

MINUTES

P & Z COMMISSION HEARING

April 17, 2008

ATTENDANCE

P & Z Commissioners

ATTENDED

1. Wendell DeCross
2. Robert Ingels
3. Rick Slone
4. Ruth Ann Smith
5. Evelyn M. Meadows
6. Carol Davis

ABSENT

John Dalton
Joel Lawson
Jason Hatch
Tom Thomas

Staff Attendance

1. Bill Fraley, Deputy Director of Planning & Zoning
2. Linda Elliott, Planner I
3. Jim Matteson, County Engineer
4. Rob Crimm, Senior Planning & Zoning Engineer
5. Veronica Dale, Office Manager
6. Alberto L. Peshlakai, Secretary

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time 6:05 p.m.

Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order and explained the meeting procedures to the public. **Mr. DeCross** then lead the Pledge of Allegiance.

Item # 1 – ZONE CHANGE: Discussion and possible Commission action on a request by R & T Family, L.P., for a Zone Change from R1-10 to RU-1, to allow for side yard corrals and to establish a wildlife preservation site with educational observatory for the subject property known as APN: 304-26-247A in Township 11 North, Range 22 East, Section 35 of the Gila and Salt River Meridian, in the Silver Lake Estates area.

Linda Elliott presented the staff report to the commission.

The Engineering Division has no technical objection to the proposed Zone change, but will opine that this is effectively “reverse” spot zoning, downgrading zoning in the middle of an established subdivision. Engineering has reviewed the preliminary plans and reports and are comfortable with their findings. Recommend proceeding with project.

Flood Control has reviewed #304-26-247A –This parcel is not in a FEMA floodplain per FEMA map 2350C dated 11/19/2003. However, this parcel is in an area of a closed basin that has a history of long duration flooding. The area is also known for poor percolation. Building requirements will be a minimum of 2 ft. stem wall and a minimum 2 ft. flood-proof material for garages and other structures. Flood Control has no objections to this Zone Change as long as the above requirements are followed.

Planning & Zoning comments are that the zone change from R1-10 to RU-1 would allow side yard corrals in an existing residential subdivision and would not allow the neighboring yards the same privilege. Rural uses and animals such as: coyotes, chickens, cows, pigs, goats etc would bring with them, flies, dust and feathers etc. If the area isn’t kept clean, there will be odors and health and safety concerns. If the zone change is allowed, spot zoning would occur in an already established residential subdivision. Staff cannot support this zone change request.

Ms. Elliott informed the commission that proper notices were posted and letters were mailed out to neighbors within the three hundred foot radius of the requested zone change. **Ms. Elliott** presented an aerial map of the subject parcel that shows which neighbors were notified, and that a letter was received from Sarah Herndon in opposition to this request for a zone change.

Roger Brown, owner of R & T Family, L.P., was present. Mr. Brown stated his intentions for the zone change, which would be for a wildlife preserve, for rabbits and squirrels only.

Ray Badger the president of a local organization, S.L.E.N.I.O (Silver Lake Estate Neighborhood Improvement Organization) within that subdivision was in favor of the zone change. Mr. Badger explained that the organization consists of 20 members and claims that a majority of the members are in favor, but he can't speak for them, and further explained that there are no objections. Mr. Badger expressed his appreciation for the way Mr. Brown has proceeded with his request; unlike other people that avoid this and still set up corrals near their homes.

Mr. DeCross asked if the organization was a homeowner's association. **Mr. Badger** then said they are an organization not an association known as the Silver Lake Estate Neighborhood Improvement Organization, which is a registered nonprofit company and has been in business since 1999. **Mr. DeCross** asked about membership and Mr. Badger responded.

No one spoke in opposition to this matter.

Robert Ingels asked the developer if federal dollars will be used to help establish the wildlife preserve. **Mr. Brown** provided further explanation of his intentions and that federal dollars will not be used, but he will look into getting grants to help establish an observatory. Due to the current zoning, he is not able to dedicate an area to where rabbits and squirrels can live. **Ms. Elliott** stated that another reason for the zone change was to establish a side yard corral for his future horse, which the current zoning does not allow. **Mr. Brown** explained that when they first purchased the property, he wanted to have a horse corral. Mr. Brown also stated that he was not allowed to have a horse, as there was not sufficient space. Mr. Brown sent letters to surrounding neighbors and asked if he could purchase their land to build a horse corral. A gentleman from Nevada responded and sold his property to him. Mr. Brown said he was under the impression that since the neighbors in the surrounding area had horses, it was allowable for him until Mr. Tom Saucier informed them that it was zoned as R1-10 and therefore not allowable. **Mr. Ingels** asked staff if spot zoning was a legal issue and that as commissioners should be debated or commented on, due to the absence of the County Attorney. **Bill Fraley** clarified that the spot zoning issue has not been commented on since he was given a packet. Mr. Fraley expressed that his department has addressed all issues and taken into consideration all possible situations, and stressed that bringing a farm into a residential area brings other things into a residential area. Mr. Fraley stated that staff isn't against Mr. Brown's request, but suggested that it be somewhere else and for the commission to take that into consideration. **Evelyn Meadows** asked what is staff's position and if that was what Mr. Fraley was trying to explain. **Mr. Fraley** stated that was staff's position.

Mr. Ingels said he appreciated the detailed site plan and further questioned the east side that shows a twenty foot setback from the corral to the side property line. In a recent guest ranch environment, owners were required to have corral structures 75 feet away from home, and this being a R1-10 and it being 20 feet in the RU-1 would require a 30 foot setback from the home. Mr. Ingels asked if that was stressed to fellow neighbors. Mr. Brown then nodded.

Mr. DeCross stated that for the record it was a positive nod. **Mr. Ingels** commented that it was a step in the right direction, but understands staff's concern. **Mr. Fraley** explained that R1-10 zoning requires the horse corrals to be in the back and R1-43 is where you jump into residential from rural. Mr. Fraley further explained that the site plan is not what is being approved, it is the zone change. **Mr. DeCross** clarified that this action is for the zone change, not the site plan; and if approved the home owner can do whatever he wants that's allowable under the zone change.

Carol Davis asked that in the event that the commissioners don't approve the zone change, can the homeowner still be allowed to place the animal preserve elsewhere like in the back rather than on the sides or the front. **Mr. DeCross** directed that the question be asked of staff, and clarified that the reason for the zone change is due to the side yard horse corral. **Ms. Meadows** asked if there is room in the back for a corral. **Mr. DeCross** clarified that it's the side he wants to build a corral on. **Mr. Fraley** informed the commission that two lots combined is over two acres, so there is room. **Mr. Ingels** said that they are only making a recommendation for the Zone Change tonight to the Board of Supervisors and personally likes the concepts but is uncomfortable with recommending approval for the Zone Change.

Robert Ingels recommended that the Zone Change not be recommended as proposed. **Carol Davis** seconded the motion.

Mr. Ingels felt it would be appropriate if the home owner's organization to perhaps have meetings on this issue, and it may be an issue that the parcel and plans can be adjusted under the present zoning to create what Mr. Brown is trying to do. Mr. Ingels expressed his concern of the effect of zoning these two parcels in the middle of a subdivision and if there was a great need for other homeowners to get on board and it would be easy to petition so that you could get support of the neighbors. But, at this point, that is Mr. Ingels' position and reason for not recommending the Zone Change.

Mr. Badger said his concern is about the "RU1-10" (R1-10) zoning, which are small lots. Mr. Badger said within the same subdivision, there are 1.25 acre lots as well. Mr. Badger said the problem is with the "RU1-10"

(R1-10) zoning which does not allow anything else on the property and makes him in violation of the zoning. Mr. Badger also said that many new homes have been built according to RU-1 not R1-10, which have been approved by Planning & Zoning and asked why this is a problem.

Mr. Fraley responded that they would not know who else has other zone changes, as he is stating. Mr. Fraley recommended they meet to discuss that further to find out who is not abiding by their zoning. **Mr. DeCross** suggested that Mr. Badger meet with staff and discuss a possible total rezoning of that whole area. **Mr. Fraley** said they would need to have consent from all the property owners in order for that to take place and that each of them would not be charged a fee. **Mr. Ingels** clarified that that was the direction he was going and that they agreed with Mr. DeCross and Mr. Fraley's discussion. **Mr. Fraley** stated that at Paper Mill Road which is similar to this, had to have consent from all property owners for their area to be rezoned. **Mr. DeCross** expressed his appreciation to Mr. Brown and informed him that he may proceed on to the Board of Supervisors for a final decision or discuss with staff regarding a total rezoning.

The request was denied with a vote of 6-0 in favor, Resolution of Denial: 08:03P.

ITEM # 2 – ZONE CHANGE: Discussion and possible action on a request by Maria S. Romo, for a Zone Change from RU-20 to CR, to allow for wildlife artistry (taxidermy) procedures & techniques training facility on 5 acres of the subject 20 acre property known as APN: 403-21-003A, in Township 13 North, Range 23 East, Section 5 of Gila and Salt River Meridian, in the Snowflake area. **Linda Elliott** presented a map that shows the 300' (foot) outline of property owners that were notified in the surrounding area and explained that she has received 2 letters in opposition. Ms. Elliott showed the commissioners on the map which owners were in opposition, which were lot numbers '6' and '4B'. Ms. Elliott stated that the subject parcel is seven tenths of a mile from the country store which is a commercial use and 9 miles east of the Town of Snowflake. Ms. Elliott received a letter from John & Bobby Joe Stickfield who had several questions for Mr. Kuhlman to answer.

The Engineering Division staff has no comments/issues regarding this zone change.

The Flood Control staff has reviewed parcel 403-21-003A. This parcel is shown on FEMA flood map 2125B and is shown to be out of the floodplain. Flood Control recommends approval of this Zone Change.

Planning & Zoning comments that the applicant has selected the preferred commercial uses to be allowed from the CR zoning classification listing (Exhibit A). Those uses selected are #1, #41, #45, #57, #61, #71 & #73. Remaining uses as denoted will be allowed only with a Special Use Permit processed through the Planning Commission and the Board of Supervisors. Dust control along the first 337.08 feet of Knudson Road and in parking areas of site is recommended; this will be applied during the building permit process. Animal waste disposal method should be Health Department approved.

Dale Kuhlman, agent, was present. **Mr. Kuhlman** informed the commission of his intentions to develop a taxidermy school for students and expressed the requirements that he is going abide by to ensure that he is following all rules and regulations. Mr. Kuhlman stated what type of animals, the time frame, and the type of teaching that will be utilized by the school. Mr. Kuhlman explained the process and that the chemicals they use will not be hazardous. Mr. Kuhlman further stated this will be the first of its kind in the southwest, and people won't have to go out of state for taxidermy courses.

Dave Marshall spoke in favor of the proposed project. Mr. Marshall resides in lot '3B' which is east of the property. Mr. Marshall expressed that this would be a great opportunity for kids which will be a new trade for them to learn and an opportunity for their area.

Mr. Kuhlman presented a Taxidermy Training Student Expense Report from a previous student that came back from Montana. Mr. Kuhlman stipulated that the duration of a nine week course they will, in a way, be a part of the community. Mr. Kuhlman explained that the perspective student(s) would be responsible for their housing, meals, and transportation while attending the taxidermy school, which would benefit the community. They would, in turn, be providing revenue into the local community economy within that nine week time frame.

Christen Warwick, a resident of Cedar Hills and the Co-Editor for the Land Use Plan, who represents the community, was in opposition. Mr. Warwick informed the Commission that there are three existing commercial zoned areas that are within the Cedar Hills Estates area that are available. Mr. Warwick said that there are other possibilities which are zoned for commercial areas that the applicant can look into, and felt that he should "use what's available". Mr. Warwick expressed his concern of spot and strip zoning. Mr. Warwick referred the Commission to look at page five of the Land Use Plan, objective #1 that states to minimize additional commercial land use in order to maintain rural surroundings but the implementation strategy for that was to encourage development of the three existing commercial zones before creating additional commercial zones. Mr. Warwick also pointed out the extensive detailed maps in the Land Use Plan showing placement of zones. Mr. Warwick suggested that Mr. Kuhlman open up his proposed business six miles down the road. Mr. Warwick also said that it

is in the best interest to guide the development to another place to avoid changing a current zoning. Mr. Warwick pointed out a letter that was dated April 16, 2008 from a property owner in which the individual suggests that this business be built on land already zoned for commercial use, which echoes the Land Use Plan. **Wendell DeCross** stated for the record that there were three letters in opposition to the project.

Bill Fraley referred to a letter from the Stigsell's that had concerns of the size of future expansion, parking, amount of traffic, students camping out at the location, odors, county regulations on removal of waste, why it was not being placed where it is zoned for commercial use, and any additional noise. Mr. Fraley said that staff's concern is that anything allowed in commercial could be allowed should the Zone Change be passed. Unless they did what they chose to do and that is eliminating all but ten uses from the commercial zoning without them having to come back for future approvals. Mr. Fraley also said they would have to adhere to the health departments' recommendation(s) and he further stated that in his opinion, he is more in favor of spot zoning rather than strip zoning. Mr. Fraley expressed his appreciation for Mr. Warwick to address the commission on behalf of the Cedar Hills Land Use Planning Committee.

Mr. DeCross questioned who crossed out the uses on the Zoning Ordinance sheet. Ms. Elliott answered that Mr. Kuhlman did. Mr. DeCross said he's not obligated legally to cross off and not do something. Mr. DeCross said he can still do any of the listed uses with an approved Zone Change. **Mr. Fraley** explained that those were the ones that Mr. Kuhlman is willing to give up for the development of the business, and that the motion would be made to that effect.

Mr. Kuhlman informed the commission of why he had chosen Maria S. Romo property for the development of the taxidermy school. He explained that there were two contracts that failed at title which would have been in commercially zoned areas. There was another area that Joel Lawson was working with him on, but was again unsuccessful. Mr. Kuhlman further expressed that he looked at other possibilities first; Ms. Romo's property was the only available option at the time, and it was advertised as commercial. **Mr. DeCross** asked if the students will be staying on the property. **Mr. Kuhlman** said he would want that revenue to benefit the local community. It would be their responsibility to find housing and they will not stay on the property.

Robert Ingels said the RU-20 zoning district concludes with a use that says uses permitted within this zoning district shall include both farms and nonfarm residences, recreational and institutional uses. Mr. Ingels felt that the definition of the zoning concerning institutions would apply and recommended that a special use permit be issued verses turning five acres into commercial. **Mr. Fraley** said staff went to the County Attorney's office with that, and they placed it under commercial. **Mr. Kuhlman** said that he has gone in about every possible way with the direction of the Planning & Zoning Department.

Mr. Ingels asked if the Zone Change is reasonable on a 5 acre parcel which is beyond what they normally look at on a main collector road. Mr. Ingels said he is not a supporter of strip zoning and does not have the comfort level of approving such a request. Mr. Ingels felt that with the stated uses as requested which includes hotel/motel there was no long range planning which would make for good land use.

Mr. Kuhlman responded that in regards to the restrictions, he has no problem releasing those restrictions. He also explained that this process is new to him and that he is grateful for the assistance he has received from the Planning & Zoning Department.

Rick Slone expressed his appreciation to Mr. Kuhlman in his efforts on trying to obtain a commercial property. Mr. Slone thought this was a good idea and good for the community. Mr. Slone said if the adjacent property owners were in favor with it and it is located on a highway, he doesn't see major issues with it. Mr. Slone said he is leaning in support of the Zone Change.

Mr. Kuhlman said he tried to cover all bases and make sure the contingencies in regards to the public's image is addressed, he wants to be a good neighbor.

Mr. Slone asked what staff's position is or what their recommendation is.

Mr. Fraley answered that staff does not have a recommendation of support. Mr. Fraley elaborated on Mr. Ingels' question concerning depth; it is slightly over three hundred feet. Mr. Fraley explained that Mr. Kuhlman has had a number of issues in trying to obtain existing commercial property and is sympathetic to Mr. Warwick for pointing out the abundance of commercial property. Mr. Fraley said in all fairness to everyone, he felt that Mr. Kuhlman would not be successful in this request with all the commercial uses in the Zoning Ordinance. Mr. Fraley said Mr. Kuhlman has made an honest effort and has tried to address the number of concerns. Mr. Fraley closed by reiterating staff's stand on not recommending approval.

Carol Davis asked staff that in the event that the request is approved for the zone change if he should decide 10 - 20 years down the road to resell; does that open up all of what the commercial zoning allows for the new owner? **Mr. Fraley** said no, they would have to go through another hearing to address the zone change.

Ms. Davis said wouldn't they be infringing on the rights of any perspective new owner to limit what they anticipate or expect a commercial zone to be. **Mr. Fraley** said you could look at it that way.

Mr. DeCross said that taxidermy businesses consider their work as art. Mr. DeCross also pointed out a couple of taxidermy businesses exist in residential areas, as a point of information for the commissioners.

Mr. Kuhlman said that approximately 88-90% of taxidermists operate out of their own homes.

Mr. Ingels said if the Commission is looking at approval, perhaps the key and gun repair shop also be crossed out. Mr. Ingels also voiced his concern as to the hotels/motels, as it seems it will be creating an intense use compared to an institutional nature. Mr. Ingels expressed his appreciation for Commissioners Davis' question.

Mr. Kuhlman addressed the commission that he tried every possible way to seek other properties that are commercial rated and found that the property in question isn't zoned commercial and that is the reason he is requesting for a zone change. **Mr. Slone** questioned why Mr. Kuhlman is keeping the key repair and gun shop. **Mr. Kuhlman** said he assumed that it was something similar to what he is doing and since there is only a general store in that area, he wasn't exactly sure what the commission's vision is for that area so he felt it would have been great to put something like that there. Mr. Kuhlman said he has no intentions to establish another business but to only establish the taxidermy facility since that is what he is trained to do.

Mr. DeCross clarified to the Commission that unless these things are specifically removed by motion, once it's rezoned, it's rezoned for the property, he can come forward with any plans that he wanted to and it can be changed. Mr. DeCross said he's not saying that he would do that, but it can be done, and to put into consideration.

Mr. Ingels commented that he hasn't reviewed and wanted to know if other commissioners reviewed the Cedar Hills Land Use Plan. **Mr. DeCross** stated that he hasn't received that either. **Mr. Ingels** suggested that it may have been submitted to staff prior to their appointment as commissioners.

Rick Slone made a motion to approve this request as outlined with only approving the uses that are not crossed out.

Ruth Ann Smith made an amendment to the motion to remove items numbered 41 & 45 the hotel/motel and key/gun shop due to it being more of a retail business which will have a lot of traffic that will be impacting the neighbors a lot more as well. Ms. Smith would prefer to see hotels/motels removed as a potential use and the key and gun shop.

Evelyn Meadows seconded the original motion by Rick Slone.

Mr. Slone questioned staff if the school chose to have lodging such as dormitory would that be eliminated if they removed the use of hotels/motels out.

Mr. Fraley informed the commission to look back at R-2 and R-3 and that does allow lodging.

Rick Slone seconded the amended motion.

Mr. Ingels clarified that if approved, all the uses as stated in the introduction of the commercial zoning would be allowed, such as: apartments, multi-family, and all other residential uses on the subject five acre parcel.

The amended motion passed with a vote of 6-0 in favor, no one opposed.

The original motion passed with 4 in favor and 2 opposed. **Robert Ingels** and **Carol Davis** were in opposition.

Passed with Resolution number: 08:04P

ITEM # 3 – TENTATIVE PLAT: Discussion and possible Commission action on a request by Bourdon Ranch Development, LLC, agent Michael Wood, for a Tentative Plat for the proposed "Show Low Mountain Ranch" subdivision, on the subject 307.04 acre property known as APN: 304-57-032, 304-57-033A & 033B, in Township 11 North, Range 22 East, Section 25 of the Gila and Salt River Meridian, in the White Mountain Lake area.

Bill Fraley displayed a map of the Show Low Mountain Ranch site plan.

The Engineering Division comments that the Tentative Plat items questioned in our prior reviews have been corrected. In our opinion, the Tentative Plat is satisfactory to recommend to the Planning and Zoning Commission as submitted, except for the changes which will be required for additional lanes and right of way required by the Traffic Impact Analysis, the Draft Traffic Impact Analysis is satisfactory for the Tentative Plat stage of review.

However, we need to note that the preliminary traffic volume calculations and level of service calculations indicate that multiple lanes must be provided on both John Wayne Blvd. and Chisum Trail as they approach Bourdon Ranch Road. Additionally, the preliminary analysis indicates that additional lanes will be required on Bourdon Ranch Road itself. As the Tentative Plat does not currently reflect those recommendations, any approval of the Tentative Plat should stipulate that the final plat and improvement plans reflect the recommendations of the Final Traffic Impact Analysis, including additional lanes and additional right of way, where needed. The preliminary Drainage Report comments in our prior review have been reflected in the preliminary Drainage Map as re-submitted.

The Flood Division comments are that a review of the FEMA maps has indicated that a small portion of the development is in the floodplain created by Rocky Arroyo. The various parcels associated with this development are located on FEMA maps 2375C and 2350C. The Site Plan dated 10/9/07 shows that parcels 160- 170 are in

Zone A, which is a 100 year floodplain that has been determined by approximate methods. The Flood Control Staff has no objections to the Tentative Plat given the following stipulations: One, a Floodplain Study shall be submitted for approval showing the delineation of the floodplain, floodway, and base flood elevations. The Final Plat associated with this Master Development Site Plan shall include the delineated floodplain and floodway. Any parcels inside the floodplain that may have future buildings shall identify the Base Flood Elevation and provide reference to the 1988 NAVD vertical datum. Two, the Army Corp will be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question. Documentation shall be provided with the Final Plat indicating Corps notification of the jurisdiction.

The Planning & Zoning Division comments that it has completed its review of the Tentative Plat for this development. The proposed Tentative Plat adheres to the recently approved Master Site Plan. The submittal meets requirements for a Tentative Plat. Planning & Zoning staff recommends conditional approval of the Tentative Plat with the conditions as listed below.

The Public Works Department comments that should the Commission grant this Tentative Plat request, staff would recommend conditions be applied, as listed below.

John Murphy, Engineer for the project was present. Mr. Murphy informed the commission of the widening of lots as suggested by the Board of Supervisors. Mr. Murphy also explained that there have been some road revisions as well as water services and fire protection being provided.

No one spoke in favor or in opposition to the Tentative Plat.

Robert Ingels expressed his appreciation to staff for the detailed information which covered all the bases for the Commission. Mr. Ingles suggested adding a sixth recommendation for emergency ingress/egress on Round Up and a stub-out for future connectivity onto Silver Lake Boulevard. **Mr. Fraley** explained that there is no need for another stipulation due to it already having been addressed on the Tentative Plat.

Robert Ingels moved that the Commission accept the Tentative Plat for the Show Low Mountain Ranch project subject to the five conditions which staff has provided.

Ruth Ann Smith seconded the motion.

Motion was passed unanimously with a vote of 6-0.

RECOMMENDED STIPULATIONS: 1) *All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans).* 2) *A Floodplain Study shall be submitted for approval showing the delineation of the floodplain, floodway and base flood elevations.* 3) *The Army Corp will be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question.* 4) *All required offsite improvements identified in the TIA and Master Drainage Plan shall be constructed or financially assured prior to scheduling the Final Plat before the Board of Supervisors.* 5) *Multiple lanes must be provided on both John Wayne Blvd. and Chisum Trail as they approach Bourdon Ranch Road. Additional lanes will be required on Bourdon Ranch Road itself.*

Passed with Resolution number: 08:05P

ITEM # 4 – TENTATIVE PLAT: Discussion and possible Commission action on a request by William Hawkins, for Tentative Plat for the proposed “Bear Tooth” subdivision, on the subject 37.82 acre property known as APN: 311-03-003A, in Township 9 North, Range 23 East, Section 3 of the Gila and Salt Meridian, in the Porter Mountain Area.

Bill Fraley presented a map, and a layout of the property for the commissioners to look at for further detail of the subject parcel.

The Engineering Division comments that it has completed its review of the Bear Tooth Ranch Tentative Plat.

Engineering recommends the Tentative Plat be forwarded to the Planning Commission for approval with the condition that the secondary access (as approved by the Navajo County Engineering Department) to Porter Mountain Road be acquired and designed prior to filing of the Final Plat for approval by the Board of Supervisors.

The Flood Control Division comments that they recommend approval of the Tentative Plat, dated 3/13/08. The FEMA map, 2500C does not indicate any flood hazards. Development of this property will have to comply with the Navajo County Drainage Policy and the Drainage Plan will need to be approved by Engineering.

The Planning & Zoning Division comments that it has completed its review of the Tentative Plat for this development. The proposed Tentative Plat adheres to the recently approved Master Site Plan. The submittal meets requirements for a Tentative Plat. Planning & Zoning staff recommends conditional approval of the Tentative Plat with the conditions as listed below.

The Public Works Department comments that should the Commission grant this Tentative Plat request, staff would

recommend conditions be applied, as listed below.

Shawn Byron of Design Workshop gave an overview of the project. Mr. Byron said they would be preserving as much as possible, making minimal impact to the land. Each lot will have the recommended lot outlines and requested setbacks. Their intention is to develop a building envelope on each lot which will limit the construction and disturbance within the envelopes. The remaining components of the lot will be maintained by the HOA. In addition, the lots themselves will not be fenced. There will be a fence around the property, as a precaution of losing horses; they'd only have to search on their property versus the whole area. There will be an arena, two barn facilities, as well as a covered arena. There will also be two water components located on the property which will provide as an amenity and will be utilized for fire protection. The biggest change since the rezoning is that the lots did not percolate; therefore they have had to look at an alternative wastewater treatment facility.

No one spoke in favor or in opposition to the matter.

Jim Matteson updated the Commission on a contract in which Porter Mountain Road will be paved past the Sponseller site. From an engineering standpoint, a concern they have is the secondary access onto Porter Mountain Road, which is where the fire suppression will be coming in. It will most likely need to be dedicated to the County rather than individuals, which is a stipulation listed.

Robert Ingels expressed his appreciation for the efforts done by the developer. Mr. Ingels suggested that Navajo County be more focused on fire prevention in the more heavily forested areas. A project like this lends an example, and appreciated the explanation of the alternative sewer treatment.

Robert Ingels moved that the Commission recommend the approval of the Tentative Plat for the Beartooth Ranch, subject to the five conditions that are provided from the Public Works Department this evening.

Ruth Ann Smith seconded the motion.

Motion was unanimously passed with a vote of 6-0, in favor.

RECOMMENDED STIPULATIONS: *1) All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans). 2) A Floodplain Study shall be submitted for approval showing the delineation of the floodplain, floodway and base flood elevations. 3) The Army Corp will be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question. 4) All required offsite improvements identified in the TIA and Master Drainage Plan shall be constructed or financially assured prior to scheduling the Final Plat before the Board of Supervisors. 5) The secondary access easement or right of way to Porter Mountain Road must be acquired, designed and approved by the County Engineering department prior to the filing of the Final Plat for approval by the Board of Supervisors.*

Passed with Resolution number: 08:06P

Mr. DeCross recessed at 8:06 p.m.

Mr. DeCross reconvened at 8:17 p.m.

ITEM # 5 – SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Sem Stream, L.P., for Special Use Permit to develop a propane/butane distribution terminal for storage of propane, on the subject property known as APN: 103-18-001J, in Township 19 North, Range 15 East, Section 25 of the Gila and Salt Meridian, in the Winslow Area.

Bill Fraley presented a map of Winslow where the subject proposal is located. Mr. Fraley explained that they are proposing to place seven 90,000-gallon bulk tanks for storage of butane and propane, for wholesale purposes only. Mr. Fraley presented a site plan which shows where a spur will be built off the railroad and it will back into the tanks.

The Engineering Division comments that it has reviewed the preliminary plans and reports and are comfortable with their findings. Recommend proceeding with project.

The Flood Control comments that parcel 103-18-001J is protected by the Winslow Diversion Levee, which is currently under provisional accreditation. FEMA Map 1650 and 1631C show that the parcel is outside the floodplain. The Flood Control staff does not object to the Special Use Permit and as long as the Levee is accredited, no floodplain restrictions apply.

The Planning & Zoning division comments that the proposed propane terminal shall require LPG products (propane and butane) to be received by rail and blended LPG products to be redistributed by rail. The propane and butane mixes shall be received by rail then offloaded by rail offloading system and stored in seven (7), 90,000 gallon LPG storage bullet tanks supported on concrete piers. The proposed facility shall be manned during daylight hours,

therefore creating an employment opportunity for local area citizens. A Process Hazard Analysis (PHA) has been completed and the terminal will use the hazard and operability (HAZOP) and check list PHA methodologies using a team who have operating and maintenance experience as well as engineering expertise. The team identifies and evaluates potential hazards of the process as well as accident prevention and mitigation measures, and makes suggestions for additional prevention and/or mitigation measures. The terminal shall develop and implement a comprehensive training program as well as written operating procedures that describe the tasks terminal operators and transport drivers must perform, safe process operating parameters that must be maintained, and safety precautions for operations and maintenance activities. The applicant has met with the Winslow Fire Dept. and they will be the first response agency notified to report and request assistance with an emergency incident, ensuring their ability to provide fire protection to the facility. A six (6) foot high chain link fence will be placed around the propane tanks with key pad access at entrance gates and all applicable security and safety measures for the tanks will be complied with. All ADOT access requirements shall be adhered to. SemStream will be encouraged to provide a second access to the Northeast of the site.

The Public Works Department comments that should the Commission grant this Special Use Permit request, staff would recommend the listed conditions below be applied.

Jim Asbury with SemStream, L.P. presented a PowerPoint presentation to the commissioners. Mr. Asbury showed an outline of the proposed LPG Terminal which is a facility that distributes propane and butane in the Winslow area. Mr. Asbury informed the Commission that all rail car transfers are performed by trained employees. The LPG will be stored in seven 90,000-gallon storage tanks, which will be taken off by rail into the tanks. The terminal will be manned by SemStream personnel Monday-Friday and during any other time of rail car transfers, as needed. Each driver has to meet all guidelines; they cannot come to the facility for truck transports if they are not certified. They must meet all state, federal and industry regulations. Their wholesale business transfers to retail dealers, which they then transport to home sites. Their company consists of 11 terminals in the U.S., which are scattered throughout the Midwest and Upper Midwest regions, including one each in Montana and Washington. Why in Winslow? There are two propane utilities, one in Page and one in Payson. Winslow is a middle location, close to the railroad, which is the most economic way to transport. SemStream has successfully implemented their ethics of product stewardship. Burlington Northern railway awarded them 500 rail car movements, in which they have exceeded, and they take care of the railcars that are used in the transport. They have had no process related incidents which resulted in uncontrolled releases. Mr. Asbury presented several aerial photos of other terminals and gave the population density of each within a mile radius.

Roy Newholm pointed out that as a part of a requirement for the terminal is to submit a risk management to the EPA. A population density study must also be conducted.

Mr. Asbury covered the intentions of SemStream, L.P., as well as the steps of design, operation, safety, and requirements. They have submitted a fire analysis to the State Fire Marshal to obtain their permit. Mr. Asbury demonstrated on the site plan the locations of tanks and the processes they would be in place of transporting.

Mr. Newholm said the requirements of NFPA 58 have increased due to some incidents since the 70's. The title of these changes is: Product Control. They have implemented redundant fail safes for each type of possible place than you could have a failure.

Mr. DeCross questioned if this was what happened in Kingman. **Mr. Newholm** said that was a result of bad decisions and they weren't following procedures. Mr. Newholm said they go above and beyond the requirements.

Mr. Asbury explained the additional safeguards put in place such as, security, the two locations where PIN access gates will be located, gas detections, emergency exits, security cameras, and that the City of Winslow will be laying a waterline in for hydrants and water cans for fire protection.

Mr. DeCross asked if the populated area is to the South of the site. **Mr. Asbury** said it is mainly to the Northeast and that the population density is 347 people within the general area, according to the 2000 census. **Mr. Newholm** also said they have to submit a risk management plan to the EPA which is a requirement in order to establish this terminal.

Mr. DeCross asked if the rail cars were rented and if they undergo regular inspections. **Mr. Newholm** said the rail cars are owned and leased by SemStream. The rail cars are inspected by the Department of Transportation and railroad commission as well as a daily check when the cars arrive at the terminal.

Mr. DeCross asked Marshall Larsen, with the City of Winslow, to address the commissioners. **Marshall Larsen** said the City's concerns were included in the commissioner's packets. Mr. Larson explained that the Fire Chief stated that the City would not allow any trucks to enter any residential areas. They would need to enter off of Highway 87, Transcon Lane or Hipkoe exits, not off of North Park Drive. The City of Winslow is neither in favor nor against the project.

No one spoke in favor or in opposition.

Mr. Fraley informed the Commission that should this Special Use Permit be granted, staff would recommend the conditions as listed be applied.

Evelyn Meadows questioned the memo from City Planner of Winslow and asked if staff has considered them and if they are part of staff's recommendation. **Mr. Fraley** felt that they have covered the nine items of concerns that City Planner has listed and further pointed out for their information that any action they take can be included in the motion to be adhered to.

Mr. DeCross asked what the difference was between propane and butane. **Mr. Asbury** said that butane is a heavier product. Propane is mainly used as a cooking and heating product, whereas butane is used as a gasoline/fuel type product. **Mr. DeCross** asked how many times a week would they be offloading and if it would only be the larger trucks used for loading. **Mr. Asbury** stated that the railroad has given them two times a week, if the business booms they will work to move that onto three times and that it will only be the large trucks.

Robert Ingels asked who the security cameras will be monitored by, will it be in a remote location. **Mr. Asbury** answered that they have yet to establish that plan, but in Oklahoma City they have a dispatch center. Their intention is to have a system to where they will be able to monitor the terminals.

Dave Sherman, Manager of all terminal facilities then addressed the security camera question. He explained that 911 departments will be able to view sites via internet.

Mr. Ingels said Commissioner Meadows made a good point, regarding the items on the memo be adhered to. **Mr. Ingels** asked if there are any built in review process to be required by the building department of Navajo County.

Mr. Newholm said they have that mandated by the federal government to follow OSHA PSM, which is very strict. **Mr. Newholm** stated the safety issues that need to be taken to ensure the safety and regulations are followed and done on a yearly basis as well as a three-year audit for the terminal and the operators.

Mr. DeCross asked if there has been ground core test conducted and if there are any remaining materials left from the Sawmill. **Mr. Newholm** said a geotechnical test has been done and explained that an environmental study has been conducted and they will address certain issues to comply with all regulations. **Mr. Asbury** informed them that any material left from the previous Saw Mill Plant and that the soil will be removed if there are any findings that would increase a threat in any way. **Mr. Fraley** said that there is a second step to that which will be reviewed by building and engineering department.

Carol Davis asked the developer if there has been a traffic study done and what they anticipate the traffic to be on an average daily. **Mr. Asbury** said it would be about thirty trucks a day.

Mr. DeCross asked what the timeframe would be to unload or load the butane/propane. **Mr. Asbury** responded that it will take up to thirty to forty-five minutes.

Mr. Ingels questioned the amount of gallons. **Mr. Asbury** responded that it would be nine thousand.

Ms. Davis asked staff if there are any existing zoned areas that would allow for such operations that wouldn't require a special use permit. **Mr. Fraley** said there were none and that it would require a special use permit in any zoning class, and staff has recommended that they advise ADOT to see if there were any concerns since the terminal would be off of Highway 87, a two lane highway.

Mr. DeCross asked if that was industrial zoning. **Mr. Fraley** confirmed that it was.

Ms. Davis said the access would always be through downtown Winslow. **Mr. Asbury** said their base load would be going to Payson; most of the trucks would be coming from the South and headed back to the South. **Mr. Fraley** asked what ratio would go through Highway 87 as opposed to coming from 191. **Mr. Asbury** said roughly fifty percent. **Mr. Fraley** presented a map and clarified the access routes for incoming and outgoing traffic from the terminal, which was a recommendation from the City of Winslow. They would use the Transcon exit for all incoming and outgoing traffic. **Mr. Newholm** explained that they did not receive the response from the City, but that the traffic would be routed in a more commercial and light industrial area versus residential.

Mr. DeCross questioned the height limit on the underpass. **Mr. Asbury** said it would service a box trailer size.

Mr. Ingels felt that they could stick to staff's recommendation, but in reading what was submitted from the City of Winslow Planner, he felt they should follow the transportation route to minimize residential impact. **Mr. Ingels** also felt it necessary that they refer to the primary named roads and encouraged the City of Winslow's items and traffic pattern be adhered to. **Mr. DeCross** asked the developer if they have seen the memo from the City of Winslow Planner. **Mr. Asbury** said they have not received anything.

Mr. Ingels mentioned the list which referred to secondary accesses for emergency and basically represented safety concerns for the City of Winslow. **Mr. Asbury** said they are going to put into consideration the recommendations from the City of Winslow Planner. **Mr. Ingels** felt that the list should be brought forth in a motion in order for it to be adhered to. **Mr. Asbury** said they are obtaining water from the City and the fire chief will designate the locations of the fire cans and hydrants.

Mr. Ingels recommended that staff's conditions as part of the recommendations as well as the project review conditions be incorporated as we would make a recommendation for the Special Use to be approved.

Robert Ingels restated for the record that Mr. Ingels recommended that this Commission approve the Special Use Permit for the propane/butane facility on the parcel number stated, subject to the ten conditions that the Public Works Department provided as recommended and the March 31st letter from Paul Ferris Winslow City Planner to also include the designated access roads as discussed in tonight's meeting.

Evelyn Meadows seconded the motion.

Motion was unanimously passed with a vote of 6-0, in favor.

RECOMMENDED STIPULATIONS: 1) *The Special Use Permit shall run with the land.* 2) *Construction of this facility must commence within a six (6) month period of time following Board of Supervisors approval. Failure to do so may result in a review by the Board for possible revocation of the Special Use Permit.* 3) *The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan.* 4) *This Special Use Permit shall permit the development of a propane/butane storage and retail distribution facility, and other related facilities on the subject property.* 5) *The access gate to the tank enclosure shall be locked with key pad entry at all times except when delivery to the site from the refinery, loading of the trucks for delivery to customers, or maintenance to the facility is being conducted.* 6) *Appropriate signage denoting a potential hazard or danger shall be posted on site.* 7) *The seven (7) propane tanks shall not exceed 90,000-gallon each capacity.* 8) *All construction shall conform to all requirements from the State Fire Marshal.* 9) *No building or structure may be occupied prior to complete compliance with all appropriate Building Department requirements, to include grading and drainage plans if necessary and the issuance of a building permit for the proposed structures.*

Passed with Resolution number: 08:07P

Item #6: Board of Supervisors Action. **Bill Fraley** read the recent actions which had been approved by the Board of Supervisors: Bear Tooth, Show Low Mountain Ranch, Ron Curtin's Special Use Permit for guest ranches, LZ Angel project, and Pine Lake Meadows' re-plat. **Robert Ingels** questioned the verbiage "approved with stipulations" on the BOS Resolutions, did it mean the Board added stipulations. **Mr. Fraley** answered that it is staff's and the Commission's stipulations, and perhaps the Board, but that is very seldom that have an addition to it. Mr. Fraley informed the Commission of an upcoming training that will take place at the Taylor Fire Department on May 27, 2008 for various topics on conducting meetings and rules with the principal planner of the Arizona Department of Commerce. Mr. Fraley handed out the fliers to the Commissioners.

Item #. 7: Approval of Feb 21, 2007 Planning & Zoning Commission Meeting. **Evelyn Meadows** made a motion to approve the minutes as presented. **Rick Slone** seconded the motion. All in favor, motion passed unanimously.

Item #5 - Commissioners' comments and directions to staff. **Robert Ingels** commented that he attended a Pinetop-Lakeside P&Z retreat where Jordan Feld was a presenter, and encouraged the Commissioners to attend. Mr. Ingels said he awaiting to hear back from the open space/nature conservancy to give a presentation to the Commission on an open trail plan system they are intending on in the Show Low and Pinetop-Lakeside areas. **Wendell DeCross** commended staff on the excellent job on the items presented this evening.

Robert Ingels made a motion to adjourn. **Evelyn Meadows** seconded the motion. All in favor.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 9:21 p.m.

Approved this _____ day of _____, _____.

Chairman, Navajo County Planning & Zoning Commission

ATTEST:

Secretary, Navajo County Planning & Zoning Department